

and GOF can best represent their interests.

4. Gun Owners of America, Inc. is a California non-stock corporation with its principal place of business in Springfield, VA. GOA is organized and operated as a non-profit membership organization that is exempt from federal income taxes under Section 501(c)(4) of the U.S. Internal Revenue Code. GOA was formed in 1976 to preserve and defend the Second Amendment rights of gun owners.

5. Gun Owners Foundation is a Virginia non-stock corporation, with its principal place of business in Springfield, VA. GOF is organized and operated as a non-profit legal defense and educational foundation that is exempt from federal income taxes under Section 501(c)(3) of the U.S. Internal Revenue Code. GOF is supported by gun owners across the country, including residents of this district, many of whom are and will be irreparably harmed by the Final Rule.

6. GOA and GOF together have more than two million members and supporters nationwide, including thousands who are Texas residents, including within this district and within Lavaca County, many of whom will be irreparably harmed by ATF's rule entitled "Factoring Criteria for Firearms with Attached Stabilizing Braces" ("Final Rule").

7. Since the publishing of the Final Rule in the Federal Register, and as it was being considered, including during the Notice of Proposed Rulemaking ("NPRM"), the overwhelming concern of our members and supporters is that the effect of this Final Rule would criminalize mere possession of braced pistols that have been, for years, allowed by the ATF to be owned without registration with the federal government.

8. Our members desire and overwhelmingly support GOA and GOF's involvement

in litigation to protect the rights are being unconstitutionally infringed by the Final Rule.

9. Many of these individuals have been and are being irreparably harmed by the Final Rule.

10. GOA and GOF exist to preserve and defend the Second Amendment rights of gun owners. GOA and GOF routinely litigate cases across the country in furtherance of their mission, on behalf of their members and supporters in various states.

11. Many of GOA and GOF's members and supporters are law-abiding residents of Texas, and reside in this district, and include consumers who purchase, transfer, possess, own, customize, accessorize, and utilize stabilizing braces and braces equipped with stabilizing braces.

12. Additionally, the members and supports of GOA and GOF include industry members who have received ATF "classification letters" providing ATF's conclusion that various stabilizing braces, when installed on a pistol, are perfectly lawful and do not turn the firearm into a short-barreled rifle. Under the Final Rule, all of these classifications have been revoked or radically altered.

13. Since the Final Rule was published, GOA and GOF have heard from numerous of their members and supporters who currently own pistols equipped with stabilizing braces and who are irreparably harmed by the Final Rule in various ways.

14. One of our members is an honorably discharged former paratrooper with the 82nd Airborne Division of the U.S. Army, who has a 100% disability rating from the VA, as a result of a parachute accident that has caused lifelong strength and mobility challenges. Because of his disability, a stabilizing brace is necessary for him to be able to ergonomically, safely, and accurately shot an AR-15 style pistol.

15. GOA and GOF have also heard from numerous individuals who own pistols with stabilizing braces and who reside in states where short-barreled rifles are illegal to possess, even if registered with the ATF. These individuals will have no choice but to surrender, destroy, or modify their firearms into totally different configurations in order to avoid felony prosecution by Defendants.

16. Other GOA and GOF's members and supporters live in states where possession of short-barreled rifles is unlawful unless properly registered with the ATF. As ATF now claims that millions of firearms were not properly registered, this creates potential state criminal liability for such gun owners.

17. If GOA and GOF's members and supporters actually register their newly classified short-barrel rifles, they will be providing evidence of not only federal crimes, but also state crimes, to both the state and federal governments. Even though the ATF claims it will exercise its "enforcement discretion" with regard to federal law, nothing in the Final Rule binds state officials with past violations of state law.

18. GOA also has members and supporters that are current and former U.S. military service members who face an independent risk of prosecution by court-martial for violations of the Uniform Code of Military Justice ("UCMJ"). Indeed, GOA has heard from at least one member who is a current member of the Armed Forces who lawfully possesses a pistol with a stabilizing brace and who is subject to the jurisdiction of the Department of Defense ("DoD") and UCMJ. For this person, and others in similar situations, Defendant DOJ's promise to exercise its "enforcement discretion" is of little comfort, with respect to a DoD prosecution under the UCMJ's Article 134 for owning an item that was lawful prior to ATF's capricious classification as a felony crime.

19. In other words, GOA and GOF's members and supporters are representative of those affected by the Final Rule, which has a ubiquitous and negative effect on the firearms community and the administration of federal gun control laws.

20. For each of the portions of the Final Rule challenged herein, GOA and GOF have numerous members and supporters who are and will be irreparably harmed by the Final Rule, which is already in effect.

21. Protection of these rights and interests is germane to the mission of GOA and GOF, which is to preserve and protect the Second Amendment and the rights of Americans to keep and bear arms, including against overreach by unelected and unaccountable anti-gun bureaucrats. GOA and GOF routinely litigate cases throughout the country on behalf of their members and supporters, and GOA and GOF are capable of fully and faithfully representing the interests of their members and supporters without participation by each of the individuals and entities.

22. In different ways and to varying degrees, each of our affected members and supporters will be irreparably harmed once the Final Rule is fully implemented. Some will be subjected to ever encroaching, illegal, and unconstitutional infringements of their right to keep and bear arms and some will have to dramatically change the way they do business, including the nature and types of products that they can offer for sale, in ways that Congress never intended, much less legislated.

23. Some companies, as conceded by ATF in the Final Rule, may have to close their doors entirely. And if the Final Rule is fully implemented, tens or hundreds of millions of dollars of sales will be lost, along with many jobs.

24. If the Final Rule is not enjoined, our members' and supporters' Second

Amendment rights will be significantly infringed.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 9, 2023

A handwritten signature in black ink that reads "Erich Pratt". The signature is written in a cursive, flowing style.

Erich M. Pratt